

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
SEPTEMBER 24, 2019**

Trustees Present:

Michael Calkins, Chair
William Allen, Vice-Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Treasurer Nancy Kopp
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove (via conference call)
Bernard L. Jones, Sr.
Joe Wood
J. Bruce Yerkes

Trustees Absent:

Taylor Huffman

Others Present:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Sarel Cousins, MALPF Administrator
Chana Turner, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Joanna Kille, Treasurer's Office
Devyn King, Cecil County Program Administrator
Allison Roe, MARBIDCO
Steve McHenry, MARBIDCO

Others Present By Phone Conferencing:

Megan Benjamin, Baltimore County
Rob Tracey, Kent County Program Administrator
Beth Beales, Caroline County Program Administrator
Adam Gibson, Somerset County Program Administrator

Mr. Calkins, Chair, called the meeting to order at 9:10 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from August 27, 2019.

Motion #1: To approve minutes from August 27, 2019, with correction noted by Joanna Kille.

Motion: Klasmeier Second: Wood
 Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable distributed the report by the Chesapeake Conservation Partnership “Progress in Conserving Land in the Chesapeake Bay Watershed”. There is a MALPF easement property highlighted on page 19 of the report.

Ms. Cable informed the Board that Nancy Forrester is retiring at the end of November, after 18 years as MALPF’s main transaction attorney. We’ll miss her greatly and will have a celebration for her at the end of the November Board meeting.

IV. EASEMENT AMENDMENTS

A. CECIL COUNTY

1. File #07-88-05A Crouse (Haines) ~30 acres

Request - Cecil County:

To approve the relocation of a pre-existing dwelling.

Recommendation:

Staff recommends approval subject to:

- 1) Written approval by the Maryland Historical Trust to remove the ruins of the historic home prior to requesting the building permit.
- 2) The completion of an Amendment to the Deed of Easement that will
 - a) make the new dwelling non-subdivideable,
 - b) update/clarify the subdivision prohibition language to the language currently in use in the standard Deed of Easement form,
 - c) remove the ability to request termination of the Easement, and
 - d) otherwise incorporate any additional terms and conditions of the Foundation’s approval for the dwelling relocation per COMAR 15.15.04.05.
- 3) The removal of the existing dwelling, and restoration of the existing dwelling site to agricultural use, within 60 days after the use and occupancy permit is issued for the new dwelling, or sooner, if required under county law.

Ms. Cousins introduced the item. Ms. King was available to address the Board. Ms. Cousins informed the Board that we have already obtained written approval from Maryland Historical Trust to remove the ruins of the dwelling.

Motion #2: To approve the relocation of the pre-existing dwelling as a non-subdivideable dwelling, incorporating Staff recommendations.

Motion: Yerkes Second: Jones
 Status: Approved

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B. St. MARY'S COUNTY

1. File #18-86-02 Trent Hall Farm (Virts) ~116 acres

Request –St Mary's County:
Request approval for a tenant house.

Recommendation:
Staff recommends approval of a tenant house.

Ms. Cousins introduced the item.

Motion #3: To approve the request to construct a tenant house, as presented.

Motion: Jones Second: Wood
Status: Approved

V. **NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

Withdrawn

VI. **PROGRAM POLICY**

VII. **INFORMATION AND DISCUSSION**

A. Next Generation Program update

Steve McHenry and Allison Roe with Maryland Agricultural & Resource Based Industry Development Corporation (MARBIDCO) provided the Board an update to the Next Generation Farmland Acquisition Program and a proposed "Small Acreage" Next Generation Farmland Acquisition Program. The Board was provided handouts that described the history and status of the previous Next Generation applications, and discussion of potential changes in the future.

Mr. McHenry and Ms. Cable informed the Board that while it is the hope and intent of the Next Generation Program to ultimately be repaid to cycle the funds to additional projects in the future, in order for that to be successful the applicants will need to have offers from other State or County purchased easement programs, including MALPF. One challenge that has become apparent is that while the successful Next Generation applicants are eligible to apply to sell an easement to MALPF that does not ensure that the property will rank high enough to actually have an offer extended. One suggestion made to the Board is to consider whether or not the Board would want to encourage or require counties to add a component to the ranking formulas that would give Next Generation farm properties, or other types of critical farm properties, additional ranking points to increase the chance of receiving an offer.

B. News Article (via e-mail only)

VIII. **CLOSED SESSION**

Mr. Calkins asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #4: To adjourn the regular session at 10:15 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

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Motion: Wood Second: Jones
Status: Approved

The Closed Meeting of the Board was held from 10:22 a.m. to 10:38 a.m. on September 24, 2019, at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(7) to consult with counsel to obtain legal advice; and

(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

During the Closed Meeting, the following Board members were present: Michael Calkins, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, William Allen, Cathy Cosgrove, Bernard Jones, Joe Wood, and J. Bruce Yerkes.

The following Board member was absent: Taylor Huffman

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, and Nancy Forrester, Assistant Attorney General, Maryland Department of General Services. Joanna Kille, with the Treasurer's Office, was also present.

TOPICS DISCUSSED:

- A. Approval of August 27, 2019 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2019 Round Two Offer

Respectfully Submitted:

Michelle Cable, MALPF Executive Director